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EXAMINER

HECK, MICHAEL C

ART UNIT

PAPER NUMBER

3623

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/312,740

Applicant(s)

BEAVEN, DOUGLAS F.

Examiner

Michael Heck

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-125 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-125 is/are rejected.
- 7) ☒ Claim(s) 14, 19, 85, 86, 122, 124 and 125 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3623

### **DETAILED ACTION**

1. The following is a Second Office Action in responsive to applicant's amendment filed 05 May 2003. Applicant's amendment of 05 May 2003 amended claims 11, 12, 13, 14, 28 and 43 and canceled claim 27. Currently, claims 1-26 and 28-125 are pending in this application and have been examined on the merits as discussed below.

#### ***Response to Amendment***

2. The objection to the Oath/Declaration in the First Office Action is withdrawn in response to applicant's Declaration filed 05 May 2003.
3. The objection to the drawings in the First Office Action is withdrawn in response to applicant's submission of amended formal drawings. New objections to the amended drawings are indicated below.
4. The objection to the Specification in the First Office Action is withdrawn in response to applicant's amendment to the specification. New objections to the amended specification are indicated below.
5. The objection to the Claims in the First Office Action is withdrawn in response to the applicant's amendment to the claims.

#### ***Response to Arguments***

Applicant's arguments, see page 35, line 1 through to page 36, line 24, filed 05 May 2003, with respect to the rejection of claims 2-23, 39-62, 64-94 and 96-125 under 35 U.S.C. 112, second paragraph, have been fully considered and are persuasive. Therefore, the rejection has been

Art Unit: 3623

withdrawn. However, upon further consideration, a new ground of rejection is made in view of process claims as applied to computer-related inventions. Please see the claim rejections under 35 U.S.C. 101 below.

6. Applicant's arguments, see page 36, line 26 through to page 38, line 28, filed 05 May 2003, with respect to the rejection of claims 1, 24, 28, 29, 31, 34-37, 38, 63 and 95 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of newly found prior art reference. Please see the claim rejections under 35 U.S.C. 103(a) below.

### *Drawings*

7. The new drawings submitted 05 May 2003 are objected to because:

- On Figure 19, "Expand business with most profitable customers" has a priority of "45". The priority should be --5--.
- On Figure 22, "Deepen relationships with high net worth clients" has a "Due" of "5w". The "Due" should be --6w--.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

8. The amended disclosure is objected to because of the following informalities:

- Page 27, line 14, delete "types of 15 information", and insert --types of information--.

Art Unit: 3623

- Page 36, line 1, delete “(note shown)”, and insert --(not shown)--.
- Page 36, line 19, delete “(see Fig. 34)”, and insert --(see Fig. 34A)--.
- Page 41, line 6, delete “(see Fig. 3)”, and insert --(see Fig. 23)--.

Appropriate correction is required.

### *Claim Objections*

9. Claims 14, 19, 85, 86, and 122 of the amendment submitted 05 May 2003 are objected to because of the following informalities:

- Claims 14, 19, and 122 do not end in a period.
- Claim 85 is incomplete. It states, “The method of claim 63, wherein the fundamental components include a capabilities component and at least one of the”. For purposes of examination the original claim 85 was used, which states “The method of claim 63, wherein the fundamental components include a capabilities component and at least one of the data items represents the capabilities component and includes capabilities information for the program management office”.
- In Claim 86, delete “capability that that is needed”, and insert --capability that is needed--.

10. Claims 124 and 125 were missing from the amendment submitted 05 May 2003. For purposes of examination, the original claims 124 and 125 were examined.

11. Appropriate correction is required.

*Claim Rejections - 35 USC § 101*

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-35 and 38-125 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The claimed invention associates computer data representing a model of an organization of people, a model of the customer relationship, a model of the program management office, and a model of the scalable process having data items representing fundamental components with another set of computer data representing a portfolio of management concepts and issuing a report of the management concepts sorted by fundamental components. In essence, the independent fundamental components of the computer data of the model are combined with the management concept data and manipulated (sorted) to issue a report. The preamble of claim 1, 38, 63 and 95 indicates the method is for use in processing management information, in processing management information for managing a customer relationship, in processing management information for managing a program management office, and in processing management information for managing a scalable process, respectively. No post-manipulation practical application is presented in the claims to indicate how the report is used, such as how the report is used to manage customer relationships, a program management office, and a scalable process. The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02.

Art Unit: 3623

Claims 2-23, 39-62, 64-94, and 96-125 are rejected for being dependent upon claims 1, 38, 63 and 95, respectively

Claims 1-35 and 38-125 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For claims 1, 38, 63 and 95, the independent fundamental components of the computer data of the model as indicated above are combined with the management concept data and manipulated (sorted) to issue a report. The report displays the management concepts sorted by fundamental components. No physical transformation of the fundamental component or management concept data takes place. The data is simply displayed differently. A process that merely manipulates an abstract idea or performs a purely mathematical algorithm is non-statutory despite the fact that it might inherently have some usefulness. See MPEP 2106IV.B.2(b)(ii). A process that consists solely of the manipulation of an abstract idea is not concrete or tangible. See *In re Warmerdam*, 33F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994).

Claims 2-23, 39-62, 64-94, and 96-125 are rejected for being dependent upon claims 1, 38, 63 and 95, respectively.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3623

14. Claims 1-26, 28, 29, 31, 34-62, and 95-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery (Managing Projects with Microsoft Project 4.0: For Windows and Macintosh, version 4.0, Van Nostrand Reinhold, 1994) in view of Pearce et al. (Pearce et al., Strategic Management; Formulation, Implementation, and Control, 4<sup>th</sup> Edition, Richard D. Irwin, Inc. 1991). Lowery discloses a method, system, and program for managing projects consisting of:

-[Claim 1, 38, and 95] acquiring a first set of computer data, associating the first set of computer data with a second set of computer data, issuing a report based on the second set of computer data sorted by the first set of computer data (page 5-13 and 198, Lowery teaches a task list and a resource list with arrows showing how subjects relate from one list to the other. A report can be generated that list tasks and assigned resources).

Lowery fails to teach the first set of computer data represents a model of an organization of people, a model of the customer relationship, and a model of the scalable process, the model having fundamental components, the first set of computer data including data items representing the fundamental components, and the second set of data representing a portfolio of management concepts. Pearce et al. teaches a model of the Strategic Management process where strategic management is defined as the set of decisions and actions that result in the formulation and implementation of plans designed to achieve a company's objectives and is made up of nine critical tasks. Strategic management involves the planning, directing, organizing, and controlling of a companies strategy-related decisions and actions. Executives employ management processes that they feel will position [the Firm] optimally in its competitive environment (Page 2, Para 1 and Page 3, Para 1-2). The examiner is interpreting a company as an organization of people, the Strategic Management process as a scalable process, the nine critical tasks as the fundamental components, competitive environment as customer relationship, and management



Art Unit: 3623

processes as a portfolio of management concepts. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to employ the Strategic Management process with the Microsoft Project 4.0 software of Lowery because the teachings of Pearce et al. teaches that it is old and well known in the managerial arts to plan, direct, organize, and control a company's strategy-related decisions and actions (Page 3, Para 2). Time is critical in the business environment. Computer software that allows for management decisions and actions to be organized, documented, tracked, and reviewed making the information flow more accurate, timely, and efficient is essential. Performing the Strategic Management Process using Microsoft Project 4.0 would allow for data to be organized and accuracy, and would make the process more efficient resulting in a time savings.

- [Claim 2] an enterprise component and at least one of the data items represents the enterprise component and describes an operating environment for the organization of people (Pearce et al.: Page 3, Para 1, Pearce et al. teaches the company's mission includes broad statements about its purpose, philosophy, and goals.)
- [Claim 3] market trends (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors includes the ability to gather needed information about markets).
- [Claim 4] a competitor of the organization of people (Pearce et al.: Page 101, Para 1, Pearce et al. teaches a competitive analysis).
- [Claim 5] technology available to the organization of people (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include research and development/technology/innovation).
- [Claim 6] a customer component and at least one of the data items represents the customer component and includes customer information for the organization of people (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include an effective sales organization with knowledge of customer needs).
- [Claim 7] a product to be provided to a customer (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include the firm's products and breadth of the product line).

Art Unit: 3623

- [Claim 8] a relationship to be maintained between the organization of people and a customer (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include product/service image, reputation, and quality).
- [Claim 9] a service to be provided to a customer (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include the firm's services).
- [Claim 10] a processes component and at least one of the data items represents the processes component and describes processes to be executed by the organization of people (Pearce et al.: Page 185, Para 3, Pearce et al teaches the internal analysis is a process).
- [Claim 11] a manufacturing process (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include production/operations to include technical efficiency of facilities and utilization of capacity).
- [Claim 12] a sales process (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include marketing to include sales distribution, sales organization, sales promotion and advertising, and after sales service).
- [Claim 13] a customer service process (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include marketing to include knowledge of customer needs).
- [Claim 14] a development process (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include research and development).
- [Claim 15] a capabilities component and at least one of the data items represents the capabilities component and describes capabilities of the organization of people (Pearce et al.: Page 3, Para 1, Pearce et al. teaches the development of a company profile that reflects it internal conditions and capabilities).
- [Claim 16] a facility of the organization of people (Pearce et al.: Page 102, Para 3, Pearce et al. teaches assessing a competitive position includes the location and age of the facilities).
- [Claim 17] a person who is a member of the organization of people (Pearce et al.: Page 103, Para 1, Pearce et al. teaches assessing a competitive position includes the caliber of personnel).
- [Claim 18] a supplier to the organization of people (Pearce et al.: Page 104, Para 3, Pearce et al. teaches suppliers and creditors are sources of resources).
- [Claim 19] an economics component and at least one of the data items represents the economics component and includes economic information for the organization of people (Pearce et al.: Page 78, Para 1, Pearce et al. teaches economic factors concern the nature and direction of the economy in which the firm operates).

Art Unit: 3623

- [Claim 20] an idea for improving an aspect of the organization of people and the second set of computer data includes a description of the idea (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include innovation).
- [Claim 21] a management initiative for the organization of people and the second set of computer data includes a description of the management initiative (Pearce et al.: Page 3, Para 1, Pearce et al. teaches selecting a set of grand strategies that will achieve the most desirable options).
- [Claim 22] a management objective for the organization of people and the second set of computer data includes a description of the management objective (Pearce et al.: Page 3, Para 1, Pearce et al. teaches selecting a set of long-term objectives that will achieve the most desirable options).
- [Claim 23] a project in the organization of people and the second set of computer data includes a description of the project (Pearce et al.: Page 14, Para 4, Pearce et al. teaches functional strategies where each business function or division needs a specific and integrative plan of action).
- [Claim 24] attributes described in the second set of computer data, and the report is sorted by attribute (Lowery: page 16, Para 5, Lowery teaches filters as a way to control the tasks or resources displayed in a view).
- [Claim 25] a status attribute described in the second set of computer data (Lowery: page 16, Para 5, Lowery teaches filters as a way to control the tasks or resources displayed in a view. When a filter is applied, it displays only those tasks that fit the "criteria" or the requirement named in the filter. For example, filters can show only those tasks that are critical, or in progress, or over budget.).
- [Claim 26] a relative importance attribute described in the second set of computer data (Lowery: page 16, Para 5, Lowery teaches filters as a way to control the tasks or resources displayed in a view. When a filter is applied, it displays only those tasks that fit the "criteria" or the requirement named in the filter. Criteria can be a relative importance filter.) .
- [Claim 28] organized hierarchically and the second set of computer data includes a description of the hierarchy (Lowery: page 304, Para 1, Lowery teaches subprojects where when combined, make up the master project. Subprojects can be used over and over in one project or in many projects. It is another way to organize tasks into a hierarchy.).
- [Claim 29] achievement of a first is dependent on achievement of a second, and the second set of computer data describes a hierarchical relationship between the first and the second (Lowery: page 6, Para 2, Lowery teaches the sequence in which the tasks must occur and their dependencies on other tasks and dates).

Art Unit: 3623

- [Claim 31] associating an electronic mail forum and providing a pointer to the electronic mail forum in the second set of computer data (Lowery: page 86, Para 4, Lowery teaches you can send a project via electronic mail using Microsoft Mail which is located in the File menu).
- [Claim 34] in the report, indicating that a first is not related to a second, accepting a description of a relationship between the first and second, and changing the second set of computer data to reflect the relationship between the first and the second (Lowery: page 196, Para 3 through to Page 201, Para 4, Lowery teaches various report formats, one shows a list of resources, the tasks to which each is assigned. Also, a report format is shown that identifies the hierarchy in the report with a task name and where that task is linked. Additionally, Lowery teaches removing relationships between tasks).
- [Claim 35] a hierarchical relationship in which achievement of the first is dependent on achievement of the second (Lowery: page 304, Para 1, Lowery teaches subprojects where when combined, make up the master project. Subprojects can be used over and over in one project or in many projects. It is another way to organize tasks into a hierarchy.).
- [Claim 39 and 96] a customer component and at least one of the data items represents the customer component and includes customer information for the customer relationship (Pearce et al.: Page 103, Para 3, and Page 187, figure 6-4, Pearce et al. teaches internal factors include an effective sales organization with knowledge of customer needs. Customer profiles improve the ability of managers to plan strategic operations.).
- [Claim 40 and 97] a description of a customer segment (Pearce et al.: Page 103, Para 3, Pearce et al. teaches the types of information used in constructing customer profiles are geographic, demographic, psychographic, and buyer behavior information. The examiner interprets the types of information involve segmenting the customer).
- [Claim 41 and 98] a description of a customer product (Pearce et al.: Page 103, Para 4, Pearce et al. teaches every product or service has some quality that makes it variably attractive to buyers).
- [Claim 42 and 99] a description of a customer service (Pearce et al.: Page 103, Para 4, Pearce et al. teaches every product or service has some quality that makes it variably attractive to buyers).
- [Claim 43] a process component and at least one of the data items represents the process component and includes process information for the customer relationship (Pearce et al.: Page 103, Para 3, and Page 185, Para 3, Pearce et al. teaches the internal analysis is a process. Analyzing the operating environment results in an understanding of a firm's customers.).

Art Unit: 3623

- [Claim 44] a process to be executed by at least one person to advance the customer relationship (Pearce et al.: Page 104, Para 2, and Page 105, Figure 3-6, Pearce et al. teaches buyer data are a component of the customer profile and are used to explain or predict some aspect of customer behavior with regard to the product or service.).
- [Claim 45] a process that includes identifying a customer need (Pearce et al.: Page 104, Para 2, and Page 105, Figure 3-6, Pearce et al. teaches customer profile considerations include buyer behavior).
- [Claim 46] identifying an entity that is important to the customer relationship (Pearce et al.: Page 103, Para 4, and Page 105, Figure 3-6, Pearce et al. teaches customer profile considerations include geographic area to include region, county size, city size, density, and climate).
- {Claim 47} identifying a possible solution for a customer in the customer relationship (Pearce et al.: Page 103, Para 4, Pearce et al. teaches as an example of the obvious relationship of advertising to the business where it does not make sense to advertise snow skis in South Carolina, but it does make sense to advertise a Myrtle Beach Hotel in Wisconsin. The advertising recommends a solution to the customer.)
- [Claim 48] identifying a benefit to a customer in the customer relationship (Pearce et al.: Page 103, Para 4, Pearce et al. teaches as an example of the obvious relationship of advertising to the business where it does not make sense to advertise snow skis in South Carolina, but it does make sense to advertise a Myrtle Beach Hotel in Wisconsin. The advertising recommends a solution to the customer. The Customer receives the benefit of the product or service.)
- [Claim 49] striving to achieve sole source status with a customer in the customer relationship (Pearce et al.: Page 104, Para 2, and Page 105, Figure 3-6, Pearce et al. teaches customer profile considerations include buyer behavior. An element of buyer behavior is brand loyalty.).
- [Claim 50] striving to achieve a customer confidant status with a customer in the customer relationship (Pearce et al.: Page 104, Para 2, and Page 105, Figure 3-6, Pearce et al. teaches customer profile considerations include buyer behavior. An element of buyer behavior is brand loyalty.).
- [Claim 51] striving to outperform a competitor in the customer relationship (Pearce et al.: Page 103, Para 3, Pearce et al. teaches customer profile improves the ability of managers to plan strategic operations, to anticipate change in the size of the market, and to reallocate resources so as to support forecast shifts in demand patterns.).
- [Claim 52] a capabilities component and at least one of the data items represents the capabilities component and includes capabilities information for the customer relationship (Pearce et al.: Page 3, Para 1, Pearce et al. teaches the development of a company profile that reflects its internal conditions and capabilities).

Art Unit: 3623

- [Claim 53 and 118] a capability that is needed for meeting a client requirement (Pearce et al.: Page 103, Para 3, Pearce et al. teaches customer profile improves the ability of managers to plan strategic operations, to anticipate change in the size of the market, and to reallocate resources so as to support forecast shifts in demand patterns.).
- [Claim 54 and 119] a capability that includes geographic coverage (Pearce et al.: Page 103, Para 4, and Page 105, Figure 3-6, Pearce et al. teaches customer profile considerations include geographic area to include region, county size, city size, density, and climate).
- [Claim 55 and 120] a capability that includes a technical skill (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include costs and technical competences relative to those of industry and competitors).
- [Claim 56 and 121] a capability that includes providing a helpful partner (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include after-sale service and follow-up).
- [Claim 57] a capability that includes a relationship management skill (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include supplier relationships and employees' skill and morale).
- [Claim 58] a capability that includes a technology that is important to a customer (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include procedures for digesting market feedback and developing new products, services, or markets. Research and development, technology and innovation are part of production, operations, and technical internal factors.).
- [Claim 59] an economics component and at least one of the data items represents the economics component and includes economics information for the customer relationship (Pearce et al.: Page 78, Para 1, and Page 105, Figure 3-6, Pearce et al. teaches economic factors concern the nature and direction of the economy in which the firm operates. Customer profile information includes income as well as product or services price.)
- [Claim 60] a description of an economic potential of the customer relationship (Pearce et al.: Page 104, Para 1, Pearce et al. teaches psychographic information include personality and lifestyle variables that are often better predictors of customer purchasing behavior).
- [Claim 61] a profit and loss aspect of the customer relationship (Pearce et al.: Page 102, Para 4, and Page 105, Figure 3-6, Pearce et al. teaches to review the operating environment by assessing the firm's competitive position. Development of competitor profiles enables a firm to more accurately forecast its profit potential. Factors in constructing a competitor's profile include price competitiveness and financial

Art Unit: 3623

position. Customer profile considerations include price and economy. The examiner interprets financial position to include profit and loss.).

- [Claim 62] a description of an investments aspect of the customer relationship (Pearce et al.: Page 103, Para 3, Pearce et al. teaches customer profile improves the ability of managers to plan strategic operations, to anticipate change in the size of the market, and to reallocate resources so as to support forecast shifts in demand patterns.).
- [Claim 100] a process component and at least one of the data items represents the process component and includes process information for the scalable process (Pearce et al.: Page 103, Para 3, and Page 185, Para 3, Pearce et al. teaches the internal analysis is a process. The examiner interprets the process to include a scalable process.)
- [Claim 101] a process to be executed by at least one person to deliver a consistent quality customer service (Pearce et al.: Page 190, Para 3 through to Page 193, Para 4, and Page 105, Figure 3-6, Pearce et al. teaches the use of the “value chain” approach as a way of systematically viewing the series of activities a firm performs to provide its customers with a product. Service is identified as activities associated with providing service to enhance or maintain the value of the product and is deserving of further analysis depending on the particular industry the company is involved in. Customer profile considerations include service as a marketing-factor sensibility.).
- [Claim 102] a process that includes identifying a customer need (Pearce et al.: Page 16, Para 1, Page 54, Para 1 through to Page 56, Para 3, Pearce et al. teaches the strategic management model depicts a process where the flow of information involves historical, current, and forecast data on the operation and environment of the business. The company mission statement or the first step of the process can best be understood when thinking about the company at the time of its inception where the fundamental beliefs focused on the product or service satisfying a customer need. Three components of the mission statement include the basic product or service, primary market, and technology for production or delivery. The examiner interprets that part of the strategic management process is to identify the customer need the company is satisfying.).
- [Claim 103] a process that includes identifying an economic factor (Pearce et al.: Page 58, Para 3, Pearce et al. teaches three economic goals guide the strategic direction of almost every business organization. The goals reflect the firm’s intention to secure survival through growth and profitability.).
- [Claim 104] a process that includes developing a scenario (Pearce et al.: Page 158, Para 1, Pearce et al. teaches scenario development is probably the most popular approach used in social forecasting).
- [Claim 105] a process that includes evaluating a competitor (Pearce et al.: Page 196, Para 5 through to Page 197, Para 1, Pearce et al. teaches in determining a firm’s strengths and weaknesses a comparison with existing competitors is made. Managers

Art Unit: 3623

compare the firm's key internal capabilities with those of its rivals, thereby isolating its key strengths and weaknesses.).

- [Claim 106] a process that includes identifying a trend (Pearce et al.: Page 156, Para 4, Pearce et al. teaches trend analysis models are the most frequently used of the time series models. Such models assume the future will be a continuation of the past, following some long-range trend.).
- [Claim 107] a process that includes pilot testing an option (Pearce et al.: Page 367, Para 4, Pearce et al. teaches that implementation control is the type of strategic control that must be exercised and is designed to assess whether the overall strategy should be changed in light of the results associated with the incremental actions that implement the overall strategy. The examiner interprets incremental actions as pilot testing.).
- [Claim 108] a process that includes managing an expectation (Pearce et al.: Page 151-153, Figure 5-2, Pearce et al. teaches strategic forecasting issues include key issues in the remote environment, industry environment, and operating environment. The three areas are subdivided into focus areas that identify expectations that affect the business environment.).
- [Claim 109] a process that includes assessing a system need (Pearce et al.: Page 187-188, Figure 6-4, Pearce et al. teaches key internal factors for assessing potential strengths and weaknesses include inventory control systems, organization of communications system, overall organizational control system, and strategic planning system. The examiner interprets assessing weakness as identifying a system need.).
- [Claim 110] a process that includes assessing an organizational need (Pearce et al.: Page 187-188, Figure 6-4, Pearce et al. teaches key internal factors for assessing potential strengths and weaknesses include an organizational control system. The examiner interprets assessing weakness as identifying an organizational need.).
- [Claim 111] a process that includes assessing a management practice (Pearce et al.: Page 187-188, Figure 6-4, Pearce et al. teaches key internal factors for assessing potential strengths and weaknesses include marketing, financial and accounting, production/operations/technical, personnel, and organization of general management. The examiner interprets the process of assessing strengths and weaknesses as assessing a management practice.).
- [Claim 112] a process that includes suggesting an improvement (Pearce et al.: Page 3, Pearce et al. teaches strategic management is defined as the set of decisions and actions that results in the formulation and implementation of plans designed to achieve a company's objectives. One critical task includes selecting a set of long-term objectives and grand strategies that will achieve the most desirable options. The examiner interprets most desirable options to include improvements.).



Art Unit: 3623

- [Claim 113] a process that includes developing a change management process (Pearce et al.: Page 364, Para 1-2, Pearce et al. teaches the full execution of a strategy often takes five or more years, during which many changes occur that have major ramifications for the strategy's ultimate success. Strategic control is concerned with tracking a strategy as it is being implemented, detecting problems or changes in its underlying premises, and making necessary adjustments. The examiner interprets strategic control as the change management process developed by the strategic management process.).
- [Claim 114] a process that includes selling a customer on a change (Pearce et al.: Page 103, Para 3, and Page 364, Para 1-2, Pearce et al. teaches the full execution of a strategy often takes five or more years, during which many changes occur that have major ramifications for the strategy's ultimate success. Strategic control is concerned with tracking a strategy as it is being implemented, detecting problems or changes in its underlying premises, and making necessary adjustments. Developing a profile of a firm's present and prospective customers improves the ability of its managers to plan strategic operations, to anticipate changes in the size of the markets, and to reallocate resources so as to support forecast shifts in demand patterns. The examiner interprets the process to include selling the customer on change since the strategic changes may affect them.).
- [Claim 115] a process that includes developing an action plan (Pearce et al.: Page 298, Para 2, Pearce et al. teaches annual objectives are specific, measurable statements of what organization units are expected to contribute to the accomplishment of the firm's grand strategy. The examiner interprets annual objectives as developing action plans.).
- [Claim 116] a process that includes maintaining a relationship (Pearce et al.: Page 310, Para 2 through to Page 311, Para 2, Pearce et al. teaches functional strategies in marketing where the role of marketing is to achieve the firm's objectives by bringing about the profitable sale of products/services in target markets. The promotion component defines how the firm will communicate with the target markets. The examiner interprets the promotion component as maintaining a relationship.)
- [Claim 117] a capabilities component and at least one of the data items represents the capabilities component and includes capabilities information for the scalable process (Pearce et al.: Page 3, Para 1, Pearce et al. teaches the development of a company profile that reflects its internal conditions and capabilities).
- [Claim 122] a capability that includes a customer management skill (Pearce et al.: Page 310, Para 2, Pearce et al. teaches functional strategies in marketing where the role of marketing is to achieve the firm's objectives by bringing about the profitable sale of products/services in target markets. The examiner interprets marketing as possessing customer management skill.).
- [Claim 123] an economics component and at least one of the data items represents the economics component and includes economics information for the scalable process

Art Unit: 3623

skill (Pearce et al.: Page 372, Para 1 through to Page 374, Para 3, Pearce et al. teaches operational control systems that guide, monitor, and evaluate progress in meeting annual objectives. Budgets such as revenue, capital, and expenditure budgets are part of the operational controls.).

- [Claim 124] a description of a profit and loss aspect of the scalable process (Pearce et al.: Page 372, Para 1-5, Pearce et al. teaches revenue budgets as part of the operational control system. The examiner interprets revenue as a necessary element to determine the profit and loss component.).
- [Claim 125] a description of an investments aspect of the scalable process (Pearce et al.: Page 372, Para 1-6, Pearce et al. teaches a capital budget as part of the operational control system. Capital budgets outline specific expenditures for plant, equipment, machinery, inventories, and other capital items needed during the budget period. The examiner interprets capital expenditures as investments.).

Claim 36 describes the data processing system as a computer; a storage device for storing data on a storage medium; a first logic circuit configured to acquire a first set of computer data; a second logic circuit configured to associate the first set of computer data with a second set of computer data; and a third logic circuit configured to issue a report of the second set of computer data sorted by the first set of computer data. It is respectfully submitted that the method must employ computers to process management information. Therefore, it is respectfully submitted that the computer hardware must be configured to perform the invention and is inherently incorporated in the invention disclosed in Lowery in view of Pearce et al. For example, the computer system must have a CPU and storage capabilities to run the program and manage the data. The CPU would contain the logic circuits necessary to execute the invention. Hence, Claim 36 is rejected as containing the necessary computer hardware to execute the invention.

Claim 37 recites the same limitation as that of claim 1 with the exception the method is now "Computer software, residing on a computer readable medium, for use in processing management information, the computer software comprising instructions for causing the computer to" perform the invention. It is respectfully submitted that the method must employ

Art Unit: 3623

computers to process management information. Therefore, it is respectfully submitted that the computer software, residing on a computer readable medium, having instructions to cause the computer to work is inherently incorporated in the invention disclosed in Lowery in view of Pearce et al. Hence the same rejections as stated above for claim 1 applies to claim 37.

15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery (Managing Projects with Microsoft Project 4.0: For Windows and Macintosh, version 4.0, Van Nostrand Reinhold, 1994) in view Tatum (Tatum, N., Verity and Yahoo! Inc. Sign Distribution Agreement, Verity, Inc., Sunnyvale, California, April 12, 1999). Lowery discloses a method, system, and program for managing projects, but fails to teach associating a knowledge source with at least one of the management concepts; and providing a pointer to the knowledge source in the second set of computer data. Tatum teaches providing a link that allows users to personalize their corporate portal with Internet information. Corporate content is automatically classified by standard categories allowing the user to navigate information directories easily, combining searching and browsing for more intuitive knowledge discovery (Para 1-2). It would have been obvious to a one of ordinary skill in the art at the time the applicant's invention to implement a pointer to a knowledge source that relates to management concepts in Lowery since Tatum teaches that it is old and well known in the knowledge retrieval art to link a knowledge source to a corporate portal (Para 2). Performing business research enhances the strategic planning process and timing is critical to business success. Having access to a knowledge sources through the corporate portal would save time by reducing the time it takes to find the

Art Unit: 3623

information needed to make an informed decision. Thus, allowing the business to be strategically prepared for the changing business environment.

16. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery (Managing Projects with Microsoft Project 4.0: For Windows and Macintosh, version 4.0, Van Nostrand Reinhold, 1994) in view of ManagePro 2.0 Reference Manual (ManagePro 2.0 for Windows, version 2.0, Reference Manual, Avantos Performance Systems, Incorporated, 1993). Lowery discloses a method, system, and program for managing projects, but fails to teach how to simultaneously edit information. ManagePro 2.0 Reference Manual teaches multiple people or team members can simultaneously make changes to the database through the network. Full access allows the information to be modified and goals to be added, deleted and moved (page viii and pages 9-5 to 9-9). It would have been obvious to a one of ordinary skill in the art at the time the applicant's invention to implement ManagePro 2.0 Reference Manual's simultaneous edit capability over the network in Lowery and Pearce et al.'s since the teachings of the ManagePro Reference Manual teaches that it is old and well known in the computer database art to have multiple people make simultaneous changes to the database over the network (page viii and pages 9-5 to 9-9). Lowery states the workgroup features include the ability to electronically route the project and request task status by electronic mail (page 9). Implementing ManagePro 2.0 Reference Manual's status ability and simultaneous edit capability would allow the workgroup to concurrently update the information and indicate status by actually updating the system rather than sending an electronic mail on the changes and status. The status ability and simultaneous edit capability would reduce time and enhance the organizational communication.

Art Unit: 3623

17. Claims 63-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery (Managing Projects with Microsoft Project 4.0: For Windows and Macintosh, version 4.0, Van Nostrand Reinhold, 1994) and Pearce et al. (Pearce et al., Strategic Management; Formulation, Implementation, and Control, 4<sup>th</sup> Edition, Richard D. Irwin, Inc. 1991) in view of Carter (Carter, a., As Program Management Function Evolve, Benefits Increase, Water Engineering & Management; Des Plaines, Vol. 142, Issue 3, March 1995, start p. 26 [PROQUEST]). Lowery and Pearce et al. disclose a method, system, and program for managing projects consisting of:

[Claim 63] acquiring a first set of computer data representing a model, the model having fundamental components, the first set of computer data including data items representing the fundamental components; associating the first set of computer data with a second set of computer data representing a portfolio of management concepts; and issuing a report of management concepts based on the second set of computer data, the report being sorted by fundamental component (Lowery: page 5-13 and 198 and Pearce, Page 3, Para 2, Pearce et al. teaches that it is old and well known in the managerial arts to plan, direct, organize, and control a company's strategy-related decisions and actions. Lowery teaches a task list and a resource list with arrows showing how subjects relate from one list to the other. A report can be generated that list tasks and assigned resources).

Lowery and Pearce et al. fails to teach the first set of computer data represents a model of the program management office. Carter teaches a program management office that is a separate and focused organization. Other elements most important to a successful program include participation of all in the early planning stages with provisions for organizational development along with management of the program (Page 27, Col. 1, Para 6 through to Col. 2, Para 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a program management office to process the management information of Lowery and Pearce et al. because Carter teaches that it is old and well known in the management art to use a program management office to manage people and work to yield a variety of benefits

Art Unit: 3623

(Page 29, Col. 3, Para 1). Pearce et al. teaches that successful strategy implementation depends in large part on the firm's primary organizational structure. The structure identifies key activities within the firm and the manner in which they will be coordinated to achieve the firm's strategic purpose (Pearce et al.: Page 327, Para 5). Executing tasks that require resources from a variety of internal organizations requires the establishment of communication and trust to cultivate staff integration. A program management office as an organizational structure would save time and money since the resources would be integrated, therefore, dedicated and focused to accomplish the task

- [Claim 64] a customer component and at least one of the data items represents the customer component and includes customer information for the program management office (Pearce et al.: Page 103, Para 3, and Page 187, figure 6-4, Pearce et al. teaches internal factors include an effective sales organization with knowledge of customer needs. Customer profiles improve the ability of managers to plan strategic operations.).
- [Claim 65] a description of an internal customer (Carter: Page 26, Col. 3, Para 2, Carter teaches the creation of a unique entity for program management that includes representatives of the various involved organizations including owning agencies. The examiner interprets owning agencies to an internal customer to the unique entity.).
- [Claim 66] a description of an external customer (Pearce et al.: Page 103, Para 3, Pearce et al. teaches customer profiles improves the ability of its managers to plan strategic operations by providing an understanding of a firm's customer. The examiner interprets customer to be external to the firm.).
- [Claim 67] a description of a product (Pearce et al.: Page 56, Para 3, Pearce et al. teaches components of the mission statement include specification of the basic product or service or the company).
- [Claim 68] a description of a service (Pearce et al.: Page 56, Para 3, Pearce et al. teaches components of the mission statement include specification of the basic product or service or the company).
- [Claim 69] a process component and at least one of the data items represents the process component and includes process information for the program management office (Pearce et al.: Page 185, Para 3, Pearce et al teaches the internal analysis is a process).

Art Unit: 3623

- [Claim 70] describes a process to be executed by at least one person to help meet a commitment to a customer (Carter: Page 29, Col. 1, Para 4, Carter teaches important factors in a successful team approach is to identify specific goals. Management gives the teams the tools to let them develop a commitment to the deliverables and to the team. The examiner interprets deliverable being given to a customer whether internal or external.).
- [Claim 71] describes a process that includes identifying a customer need (Pearce et al.: Page 103, Para 3, Pearce et al teaches the most valuable result of analyzing the operating environment is the understanding of a firm's customer that this provides. A customer profile improves the ability of managers to plan strategic operations, to anticipate changes in the size of the markets, and to reallocate resources so as to support forecast shifts in demand patterns. The examiner interprets demand patterns as customer need.).
- [Claim 72] describes a process that includes identifying an entity that is important (Pearce et al.: Page 103, Para 4, and Page 105, Figure 3-6, Pearce et al. teaches customer profile considerations include geographic area to include region, county size, city size, density, and climate).
- [Claim 73] describes a process that includes a prioritization process (Pearce et al.: Page 300, Para 1-4, Pearce et al. teaches annual objectives often have relative priorities due to timing considerations and help resolve conflicts between organizational units that might impeded strategic performance.)
- [Claim 74] describes a process that includes a system delivery process (Pearce et al.: Page 297, Para 1-2, Pearce et al. teaches a new phase of the strategic management process is translating strategic thought into organizational action. Annual objectives translate long-range aspirations into this year's budget. The objectives provide clarity and motivation. The examiner interprets annual objectives as a system delivery process.).
- [Claim 75] describes a process that includes an evaluation process (Pearce et al.: Page 365, Para 3, Pearce et al. teaches premise control which is designed to check systematically and continuously whether the premise on which the strategy is based is still valid. The examiner interprets premise control to be an evaluation process.).
- [Claim 76] describes a process that includes a project management process (Pearce et al.: Page 333, Para 1 through to 335, Para 1, Pearce et al. teaches a matrix organization as an option to use in implementing strategy. A project management process is an example of a matrix organizational structure.).
- [Claim 77] describes a process that includes performing a cost/benefit analysis (Pearce et al.: Page 314, Figure 9-8, Pearce et al. teaches key functional strategies in Finance to include asking the question regarding capital acquisition, "what is an acceptable cost of

Art Unit: 3623

capital?" The examiner interprets the process to determine the acceptable cost of capital to include a cost/benefit analysis.).

- [Claim 78] describes a process that includes an accountability process (Pearce et al.: Page 331, Figure 10-4, Pearce et al. teaches the divisional organizational structure sharply focuses accountability for performance).
- [Claim 79] describes a process that includes providing metrics (Pearce et al.: Page 372, Para 1, Pearce et al. teaches operational control systems that guide, monitor, and evaluate progress in meeting annual objectives. Operational controls set standards of performance. The examiner interprets standards of performance to be metrics.).
- [Claim 80] describes a process that includes providing reporting (Pearce et al.: Page 376, Para 1 through to Page 377, Figure 11-4, Pearce et al. teaches monitoring performance and evaluating deviations. The current status of key performance indicators linked to a firm's strategy is a simplified report.).
- [Claim 81] describes a process that includes providing risk management (Pearce et al.: Page 274, Para 2 through to Page 275, Figure 8-12, Pearce et al. teaches that in order to make an informed choice among the generic strategies, strategist must be sensitive to the risk inherent in each of them. Strategists must determine the likelihood of these risks. The examiner interprets what the strategists are doing is risk management.).
- [Claim 82] describes a process that includes a staffing process (Pearce et al.: Page 316, Para 1 and Figure 9-10, Pearce et al. teaches human resource management aids in accomplishing the grand strategy by ensuring the development of managerial talent and competent employees. The examiner interprets developing of managerial talent and competent employees as the staffing process).
- [Claim 83] describes a process that includes a training process (Pearce et al.: Page 300, Para 2 and Page 301, Figure 9-2, Pearce et al. teaches measurable objectives and gives an annual objective example of a measurable objective of "to enhance or improve the training effort". The examiner interprets the objective to indicate a training process.).
- [Claim 84] describes a process that includes a decision making process (Pearce et al.: Page 372, Para 1, Pearce et al. teaches an operation control system that have four key steps to include setting the standard of performance, measuring actual performance, identifying deviations from the standards set, and initiating corrective action. The examiner interprets the steps to be a decision-making process.).
- [Claim 85] a capabilities component and at least one of the data items represents the capabilities component and includes capabilities information for the program management office (Pearce et al.: Page 3, Para 1, Pearce et al. teaches the development of a company profile that reflects it internal conditions and capabilities).
- [Claim 86] describes a capability that is needed for meeting a client requirement (Pearce et al.: Page 103, Para 3, Pearce et al. teaches customer profile improves the



Art Unit: 3623

ability of managers to plan strategic operations, to anticipate change in the size of the market, and to reallocate resources so as to support forecast shifts in demand patterns.).

- [Claim 87] describes a capability that includes business unit coverage (Pearce et al.: Page 332, Para 4, Pearce et al. teaches strategic business units that are usually based on the independent product-market segments served by the firm).
- [Claim 88] describes a capability that includes a technical skill (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include costs and technical competences relative to those of industry and competitors).
- [Claim 89] describes a capability that includes providing a helpful partner (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include after-sale service and follow-up).
- [Claim 90] describes a capability that includes a project management skill (Pearce et al.: Page 334, Para 1, and Figure 10-6, Pearce et al. teaches a project management organization where the structure increases the number of middle managers who exercise general management responsibilities through the project manager role and thus broaden their exposure to organization-wide strategic concerns.)
- [Claim 91] describes a capability that includes a technology that is important to a customer (Pearce et al.: Page 187, figure 6-4, Pearce et al. teaches internal factors include procedures for digesting market feedback and developing new products, services, or markets. Research and development, technology and innovation are part of production, operations, and technical internal factors.).
- [Claim 92] an economics component and at least one of the data items represents the economics component and includes economics information for the project management office (Pearce et al.: Page 78, Para 1, and Page 105, Figure 3-6, Pearce et al. teaches economic factors concern the nature and direction of the economy in which the firm operates. Customer profile information includes income as well as product or services price.)
- [Claim 93] includes a description of expenses (Pearce et al.: Page 374, Para 1-3, Pearce et al. teaches expenditure budgets where numerous expense/cost budgets may be necessary for budgetary control in various operating units).
- [Claim 94] includes a description of revenue (Pearce et al.: Page 372, Para 1-5, Pearce et al. teaches revenue budgets as part of the operational control system).

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Harhen (U.S. Pat No. 5,406,477) discloses decision support tools for the management of an enterprise through strategic planning. Objects are classified hierarchically to include plans or goals where the relationships and dependencies are maintained in a modeling environment.
- Diamant et al. (U.S. Pat No. 5,530,861) discloses a task management process where tasks and subtasks are maintained in a hierarchical relationship allowing for priorities to be set and progress tracked. The invention also has a report generator and a message interface capability.
- Heindel et al. (U.S. Pat No. 5,655,118) disclose a method for managing information on activities of an enterprise. ACCESS software is utilized to view, access, retrieve and manipulate activity information.
- Kaplan et al. (The Balanced Scorecard—Measures that Drive Performance, Harvard Business Review, Jan/Feb 1992) disclose four perspectives in evaluating the company. Customer, internal, innovation and learning, and financial perspectives allow for quality, product, service, cost, employee skills, productivity, critical technologies, revenue, margins, and profitability to name a few to be evaluated.
- Kaplan et al. (Using the Balanced Scorecard as a Strategic Management System, Harvard Business Review, Jan/Feb 1996) disclose business planning with feedback and learning. A new strategic management system would communicate the strategy

Art Unit: 3623

throughout the company, align units and individual goals, and allow companies to conduct periodic performance reviews.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7<sup>th</sup> floor receptionist.

mch  
10 July 2003

*Susanna Diaz*  
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Art Unit 3623